## UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

SHERIFF BRAD COE, et al.	)
Plaintiffs,	) ) No. 3:21-cv-00168
JOSEPH R. BIDEN, JR., et al.	)
Defendants.	)

## DEFENDANTS' MOTION TO LIFT STAY AND REQUEST FOR ORDER TO SHOW CAUSE

This Court stayed these proceedings pending appellate proceedings in a closely related matter. *See* Minute Entry (July 14, 2022). In that case, the Supreme Court has now reversed the district court's vacatur of the DHS Priorities Memorandum. *See United States* v. *Texas*, 143 S.Ct. 1964 (2023). The Supreme Court "abide[d] by and reinforce[d] the proper role of the Federal Judiciary under Article III" in concluding that the district court lacked jurisdiction to hear plaintiffs' challenge to the federal government's law enforcement discretion. *Id.* at 1971-73.

Defendants move that this court lift the stay. Further, Defendants request that the Court issue an order to show cause why this case should not be dismissed in light of the Supreme Court's clear statement that a challenge to the enforcement guidance that Plaintiffs challenge in this case is not justiciable. Undersigned counsel conferred with Plaintiffs' counsel on June 26, 2023, July 24, 2023, and October 11, 2023. Plaintiffs' counsel reports that "Plaintiffs do not oppose either request, provided an order to show

cause gives them a reasonable time to comply, as they intend to argue that the case should not be dismissed in its entirety."

Dated: October 11, 2023 Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on October 11, 2023.

/s/ Brian Rosen-Shaud BRIAN C. ROSEN-SHAUD